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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,409	11/11/2006	Griff Michael Morris	DNAH0101PUSA	9420
22045 7590 08/17/2009 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER ZEC, FILIP	
			ART UNIT 3744	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,409	Applicant(s) MORRIS, GRIFF MICHAEL	
	Examiner Filip Zec	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,18 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 18 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 1 is objected to because of the following informalities: claim 1, line 8, instead of "an extended position" the limitation should read - - the extended position - -.

Also, in claim 1, lines 14 and 15, the limitations "the compartment rear end" and "the rear end of the compartment" should read - - the cavity rear end - - and - - the rear end of the cavity - -, respectively . Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,922,456 to Powell (Powell) in view of U.S. Patent 5,720,185 to Lee (Lee).

In reference to claim 1, Powell discloses a refrigerated cabinet (1-5, FIG. 1) comprising a storage space (inside of cabinet 1-5, FIG. 1) having a front opening (behind front door 7, FIG. 1) through which access is gained to the space (col 2, line 60-66), the space including a zone subdivided into at least one compartment, each compartment adapted to be occupied by a drawer (12-15, FIG. 1; col 2, line 69-72), each drawer being moveable within the compartment from a

Art Unit: 3744

retracted position at which it is accommodated within the compartment (drawer 13, FIG. 4) and an extended position (drawer 14, FIG. 4) at which it extends forwardly from the zone (col 2, line 86-90), and whereby the interior of the drawer is accessible from an upper portion of the drawer (FIG. 9), the cabinet further comprising cooling means wherein when the drawer is in the retracted position, the cooling means is in communication with the drawer and when the drawer is in an extended position the cooling means is isolated from the compartment (col 2, lines 105-110; col 3, lines 1-21), the compartment defining an elongate hollow cavity (space sized to receive each drawer, FIG. 1), the cavity bounded by an upper wall (9, FIG. 1), a lower wall (bottom surface of each drawer 12-15, FIG. 1), and opposed side walls (4 and 5, FIG. 2) and having a forward open end (behind door 7, FIG. 1) to facilitate partial withdrawal of the drawer and a rear end (rear end of each drawer 12-15, FIG. 1-4) which cooperates with a closure element (19-23, FIG. 1 and 3) wherein when the drawer is in the retracted position the closure element is spaced from the cavity rear end to allow communication with the cooling means (FIG. 4), but does not teach that when the drawer is in the extended position the closure element sealingly engages the rear end of the compartment to isolate it from the cooling means and other compartments. Lee shows a shelf (130, FIG. 4) located inside of a refrigerator (col 2, lines 5-8), having a hinged (125, FIG. 4) damper (121 and 122, FIG. 4) which, due to the elastic spring (125, FIG. 4), sealingly closes the air flow towards the channel inside of said shelf (139, FIG. 4) against the discharging hole (113, FIG. 4), when the shelf is taken out of the refrigerator (position 122, FIG. 4) in order to prevent unnecessary discharging of cool air (col 2, lines 5-12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Powell, to include sprung hinge which

Art Unit: 3744

sealingly closes the air flow towards the drawer when the drawer is taken out of the refrigerator, as taught by Lee, in order to prevent unnecessary discharging of cool air.

In reference to claim 3, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein said cooling means comprises a plenum formed between the walls of the storage space and the at least one compartment said communication being between the plenum and the at least one compartment (pg. 1 line 110 - pg. 2 line 4).

In reference to claim 4, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 3, and Powell discloses wherein the closure element comprises at least a portion of the rear wall of the drawer and the plenum is located between the rear wall of the drawer and the face of the rear walls of the at least one compartment (pg. 2, line 16-21).

In reference to claim 5, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 3, and Powell discloses wherein the plenum is defined by a wall of the storage space and an opposed wall, said opposed wall being provided with a set of closure elements (19, 20, 21, 22, 23), each compartment being associated with at least one closure element (see fig. 1), each closure element being moveable between a closed position and an open position wherein when a drawer is in the retracted position it cooperates to move the at least one respective closure element to the open position to provide said communication and when said drawer is moved from the retracted position the respective at least one closure is closed to prevent said communication (see fig. 3, pg. 1 line 110 - pg. 2 line 21).

In reference to claim 6, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein at least a portion of the upper face of the compartment is open (FIG. 9).

In reference to claim 7, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein the portion of the upper face communicates with the source when the drawer is in the retracted position (FIG. 3).

In reference to claim 8, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein the front opening of the at least one compartment sealingly cooperates with the front opening when the drawer is in the retracted position (pg. 1, line 90-96).

In reference to claim 9, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein a plurality of compartments are accommodated within the zone (pg. 1, line 86).

In reference to claim 10, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein the compartments are supported in a vertical array (see fig. 1).

In reference to claim 11, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, and Powell discloses wherein the front opening is associated with a door which controls said access (pg. 1, line 65-66).

In reference to claim 22, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, but Powell does not teach that the closure element is pivotally supported from the lower wall of the compartment. Lee shows a shelf (130, FIG. 4) located inside of a

Art Unit: 3744

refrigerator (col 2, lines 5-8), having a hinged damper (121 and 122, FIG. 4) pivotally (125, FIG. 4) supported from the lower plane of the air flow hole (113, FIG. 4) which, due to the elastic spring (125, FIG. 4), sealingly closes the air flow towards the channel inside of said shelf (139, FIG. 4) against the top plane of the discharging hole (113, FIG. 4), when the shelf is taken out of the refrigerator (position 122, FIG, 4) in order to prevent unnecessary discharging of cool air (col 2, lines 5-12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Powell, to include springed hinge which sealingly closes the air flow towards the drawer when the drawer is taken out of the refrigerator, as taught by Lee, in order to prevent unnecessary discharging of cool air.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of Lee as applied to claim 1 above, and further in view of U.S. Patent 2,444,887 to Wyeth (Wyeth).

In reference to claim 18, Powell and Lee disclose a refrigerated cabinet as claimed in the rejection of claim 1, but do not teach a plurality of refrigerated cabinets wherein the cooling means is provided to each refrigerated cabinet from a common cooling source. Wyeth discloses plurality of refrigerated cabinets (FIG. 1) wherein the cooling means is provided to each refrigerated cabinet from a common cooling source (col. 2, lines 38-47) in order to allow for removal of what can be large bulky items from the main body of the refrigerator, leaving room for more sensitive items. Wyeth teaches the use of such a chamber for the storage of items such as fruits and vegetables that require cooling, but not to the extent of meats or cheeses (col. 1, line 1-6, col. 2, line 38-43). It also reduces the number of power-hungry compressors required to effectively cool multiple chambers or destinations.

Art Unit: 3744

It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand the usable range of the refrigerator as shown in Powell and Lee by adding a second chamber or chambers depending from the same refrigeration source but not integral to the main body, as taught by Wyeth in order to allow for removal of what can be large bulky items from the main body of the refrigerator, leaving room for more sensitive items and to reduce the number of power-hungry compressors required to effectively cool multiple chambers or destinations.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3744

U.S. Patent 3,364,838 to Bradley teaches a cabinet for mounting, enclosing and cooling electrical apparatus.

U.S. Patent 5,722,252 to Kang et al. teaches a cooling air distribution apparatus for refrigerator.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is 571-270-5846. The examiner can normally be reached on Monday-Friday, from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Frantz Jules or Cheryl Tyler can be reached on 571-272-6681 or 571-272-4834, respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Z./
Examiner, Art Unit 3744

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art Unit
3744

8/7/09

Application/Control Number: 10/552,409

Page 9

Art Unit: 3744